

Defense Federal Acquisition Regulation Supplement

Part 252--Solicitation Provisions and Contract Clauses

(Revised November 01, 2001)

252.212-7000 Offeror Representations and Certifications--Commercial Items.

As prescribed in 212.301(f)(ii), use the following provision:

OFFEROR REPRESENTATIONS AND CERTIFICATIONS--COMMERCIAL ITEMS (NOV 1995)

(a) *Definitions.* As used in this clause—

(1) “Foreign person” means any person other than a United States person as defined in Section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. Sec. 2415).

(2) “United States person” is defined in Section 16(2) of the Export Administration Act of 1979 and means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

(b) *Certification.* By submitting this offer, the Offeror, if a foreign person, company or entity, certifies that it—

(1) Does not comply with the Secondary Arab Boycott of Israel; and

(2) Is not taking or knowingly agreeing to take any action, with respect to the Secondary Boycott of Israel by Arab countries, which 50 U.S.C. App. Sec. 2407(a) prohibits a United States person from taking.

(c) *Representation of Extent of Transportation by Sea.* (This representation does not apply to solicitations for the direct purchase of ocean transportation services).

(1) The Offeror shall indicate by checking the appropriate blank in paragraph (c)(2) of this provision whether transportation of supplies by sea is anticipated under the resultant contract. The term “supplies” is defined in the Transportation of Supplies by Sea clause of this solicitation.

Defense Federal Acquisition Regulation Supplement

Part 252--Solicitation Provisions and Contract Clauses

(2) Representation. The Offeror represents that it—

_____ Does anticipate that supplies will be transported by sea in the performance of any contract or subcontract resulting from this solicitation.

_____ Does not anticipate that supplies will be transported by sea in the performance of any contract or subcontract resulting from this solicitation.

(3) Any contract resulting from this solicitation will include the Transportation of Supplies by Sea clause. If the Offeror represents that it will not use ocean transportation, the resulting contract will also include the Defense Federal Acquisition

Defense Federal Acquisition Regulation Supplement

Part 252--Solicitation Provisions and Contract Clauses

Regulation Supplement clause at 252.247-7024, Notification of Transportation of Supplies by Sea.

(End of provision)

252.212-7001 Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items.

As prescribed in 212.301(f)(iii), use the following clause:

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (NOV 2001)

(a) The Contractor agrees to comply with the following Federal Acquisition Regulation (FAR) clause which, if checked, is included in this contract by reference to implement a provision of law applicable to acquisitions of commercial items or components.

_____ 52.203-3 Gratuities (APR 1984) (10 U.S.C. 2207)

(b) The Contractor agrees to comply with any clause that is checked on the following list of Defense FAR Supplement clauses which, if checked, is included in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components.

_____	252.205-7000	Provision of Information to Cooperative Agreement Holders (DEC 1991) (10 U.S.C. 2416).
_____	252.206-7000	Domestic Source Restriction (DEC 1991) (10 U.S.C. 2304).
_____	252.219-7003	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DoD Contracts) (APR 1996) (15 U.S.C. 637).
_____	252.219-7004	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (Test Program) (JUN 1997) (15 U.S.C. 637 note).
_____	252.225-7001	Buy American Act and Balance of Payments Program (MAR 1998) (41 U.S.C. 10a-10d, E.O. 10582).
_____	252.225-7007	Buy American Act--Trade Agreements--Balance of Payments Program (SEP 2001) (41 U.S.C. 10a-10d, 19 U.S.C. 2501-2518, and 19 U.S.C. 3301 note).
_____	252.225-7012	Preference for Certain Domestic Commodities (AUG 2000) (10 U.S.C. 2241 note).
_____	252.225-7014	Preference for Domestic Specialty Metals (MAR 1998) (10 U.S.C. 2241 note).
_____	252.225-7015	Preference for Domestic Hand or Measuring Tools (DEC 1991) (10 U.S.C. 2241 note).
_____	252.225-7016	Restriction on Acquisition of Ball and Roller Bearings (DEC 2000) (___ Alternate I) (DEC 2000) (Section 8064 of Pub. L. 106-259).
_____	252.225-7021	Trade Agreements (SEP 2001) (19 U.S.C. 2501-2518

Defense Federal Acquisition Regulation Supplement

Part 252--Solicitation Provisions and Contract Clauses

- _____ 252.225-7027 and 19 U.S.C. 3301 note).
Restriction on Contingent Fees for Foreign Military
Sales (MAR 1998) (22 U.S.C. 2779).
_____ 252.225-7028 Exclusionary Policies and Practices of Foreign
Governments (DEC 1991) (22 U.S.C. 2755).
_____ 252.225-7029 Preference for United States or Canadian Air Circuit
Breakers (AUG 1998) (10 U.S.C. 2534(a)(3)).
_____ 252.225-7036 Buy American Act--North American Free Trade
Agreement Implementation Act--Balance of
Payments Program (MAR 1998) (___ Alternate I)
(SEP 1999) (41 U.S.C. 10a-10d and 19 U.S.C. 3301
note).
_____ 252.227-7015 Technical Data--Commercial Items (NOV 1995) (10
U.S.C. 2320).
_____ 252.227-7037 Validation of Restrictive Markings on Technical
Data (SEP 1999) (10 U.S.C. 2321).
_____ 252.243-7002 Requests for Equitable Adjustment (MAR 1998) (10
U.S.C. 2410).
_____ 252.247-7023 Transportation of Supplies by Sea (MAR 2000)
(___ Alternate I) (MAR 2000) (___ Alternate II)
(MAR 2000) (10 U.S.C. 2631).
_____ 252.247-7024 Notification of Transportation of Supplies by Sea
(MAR 2000) (10 U.S.C. 2631).

(c) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items clause of this contract (FAR 52.212-5), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

- 252.225-7014 Preference for Domestic Specialty Metals, Alternate
I (MAR 1998) (10 U.S.C. 2241 note).
252.247-7023 Transportation of Supplies by Sea (MAR 2000) (10
U.S.C. 2631).
252.247-7024 Notification of Transportation of Supplies by Sea
(MAR 2000) (10 U.S.C. 2631).

(End of clause)